

For office use:

Tracking No. 49082 BP 14843-A Fee Received \$ 256.-

Building Permit Amendment

SHORT FORM for Residential Development

1. APPLICANT INFORMATION

Applicant Name(s) <u>Fred and Bonnie Pinkham</u>		Daytime Phone <u>(207) 848-7798</u>	FAX (if applicable)
Mailing Address <u>863 North Road</u>		Email (if applicable) <u>iambonnie@yahoo.com</u>	
Town <u>Newburgh</u>	State <u>Maine</u>	Zip Code <u>04444</u>	

2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation <u>Tomhegan Twp</u>	County <u>Somerset</u>
Tax Information (check Tax Bill) Map: _____ Plan: _____ Lot <u>32</u>	All Zoning at Development Site (check the LUPC map) <u>P-PP</u>
Road Frontage. List the name(s) and frontage(s) (in feet) for any public or private roads, or other rights-of-way adjacent to your lot: Road #1: <u>Sunset loop</u> Frontage <u>193.8</u> ft. Road #2: _____ Frontage _____ ft.	Water Frontage. List the name(s) and frontage(s) (in feet) for any lakes, ponds, rivers, streams, or other waters on or adjacent to your lot: Waterbody #1: <u>Brassua Lake</u> Frontage <u>227.2</u> Waterbody #2: _____ Frontage _____

3. EXISTING STRUCTURES (Fill in a line for each existing structure)

Previously issued Building Permit BP _____

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Year built	Exterior dimensions (in feet) (LxWxH)	Type of foundation (full basement, slab, post, etc.)	Horizontal Distance (in feet) of structure from nearest:							
				Road	Property line	Lake or pond	River or stream	Wetland	waters	Ocean/Tidal	
<u>Shed</u>	<u>2014</u>	<u>16x10</u>	<u>Cement Post blocks</u>	<u>52'</u>	<u>50'</u>	<u>165'</u>					

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4. PROPOSED ACTIVITIES (Fill in a line for each new or modified structure)

Type of structure (dwelling, garage, deck, porch, shed, driveway, parking area, etc.)	Proposal (check all that apply)								Exterior Dimensions (in feet) (LxWxH)	Horizontal Distance (in feet) of structure from nearest:						
	New structure*	Reconstruct*	Expand	Relocate*	Remove	Enclose deck/porch	Permanent foundation*	Change dimensions or setbacks		Road	Property line	Lake or pond	River or stream	Wetland	waters	Ocean/Tidal
<u>dwelling</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>38x26x</u>	<u>600'</u>	<u>50'</u>	<u>145'</u>	<u>-</u>	<u>-</u>	<u>-</u>					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>								

* Reconstructions, Relocations, Permanent Foundations and New Accessory Structures:

- a. If the structure or foundation will not meet the LUPC's minimum setback distances from property lines, roads, water bodies or wetlands, explain what physical limitations (lot size, slope, location of septic system, etc.) prevent the structure or foundation from meeting setbacks:

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- b. For reconstructions, has the existing structure been damaged, destroyed or removed from your property?..... YES NO
 If YES, was the structure in regular active use within a 2-year period preceding the damage, destruction or removal?..... YES NO
 If YES, provide the date the structure was damaged, destroyed or removed: _____

5. VEGETATION CLEARING, FILLING AND GRADING, SOIL DISTURBANCE (If applicable, fill in this table)

	Proposed New Area (in sq. ft.) of cleared/filled/disturbed soil:	Distance (in feet) between edge of cleared/filled area and the nearest:					
		Road	Property line	Lake or pond	River or stream	Wetland	Ocean/Tidal Waters
Cleared area	Existing						
Filled/disturbed area	Existing						

6. PROSPECTIVELY ZONED AREAS (RANGELEY AREA ONLY)

Buffering in Prospectively Zoned Areas. Is your property located in one of the following Prospectively Zoned Plantations or Townships? YES NO

Adamstown Twp. Dallas Plt. Lincoln Plt. Magalloway Plt.
 Rangeley Plt. Richardsontown Twp. Sandy River Plt. Townships C, D, and E.

If YES, please complete the following table regarding the width of the vegetative buffers at the narrowest point between the existing and proposed structures and the nearest applicable road, property line, and subdistrict setbacks as applicable:

Standard Minimum Required:	Width of Vegetated Buffers			
	Road	Side Property Line	Rear Property Line	Subdistrict Boundary (If D-ES or D-CI)
25 feet in D-GN, D-GN2, D-GN3 50 feet in D-RS, D-RS2, D-RS3 75 feet in D-ES and D-CI		15 feet	15 feet	50 feet Buffer to other Subdistricts
This property:	_____ feet	_____ feet	_____ feet	_____ feet

Note: You may be required to submit Exhibit E: Documentation for Exceptions to Buffering Requirements. (See instructions on page iii)

7. APPLICANT SIGNATURE (REQUIRED) AND AGENT AUTHORIZATION (OPTIONAL)

Agent Name (if applicable)	Daytime Phone	FAX (if applicable)	RECEIVED AUG 03 2016 LUPC - GREENVILLE
Mailing Address	Email (if applicable)		
Town	State	Zip Code	

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that if the application is incomplete or without any required exhibits that it will result in delays in processing my permit decision. The information in this application is a true and adequate narrative and depiction of what currently exists on and what is proposed at the property. I certify that I will give a copy of this permit and associated conditions to any contractors working on my project. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. If there is an Agent listed above, I hereby authorize that individual or business to act as my legal agent in all matters relating to this permit application. I understand that while there is a required Statewide Maine Uniform Building and Energy Code (MUBEC) administered by the Maine Department of Public Safety, Bureau of Building Codes & Standards, The Commission's review is limited only to land use issues and the Commission does not make any findings related to the MUBEC nor do the LUPC staff inspect buildings or enforce any provisions of that Code.

Please check one of the boxes below: (see "Accessing the Project Site for Site Evaluation and Inspection")

I authorize staff of the Land Use Planning Commission to access the project site as necessary at any reasonable hour for the purpose of evaluating the site to verify the application materials I have submitted, and for the purpose of inspecting for compliance with statutory and regulatory requirements, and the terms and conditions of my permit.

I request that staff of the Land Use Planning Commission make reasonable efforts to contact me in advance to obtain my permission to fully access the project site for purposes of any necessary site evaluation and compliance inspection.

All appropriate persons listed on the deed, lease or sales contract must sign below.

Signature(s) Judith Sullivan Jr. Date 8-3-2016
Bonnie Richardson Date 8-3-2016

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49082

Tracking No.

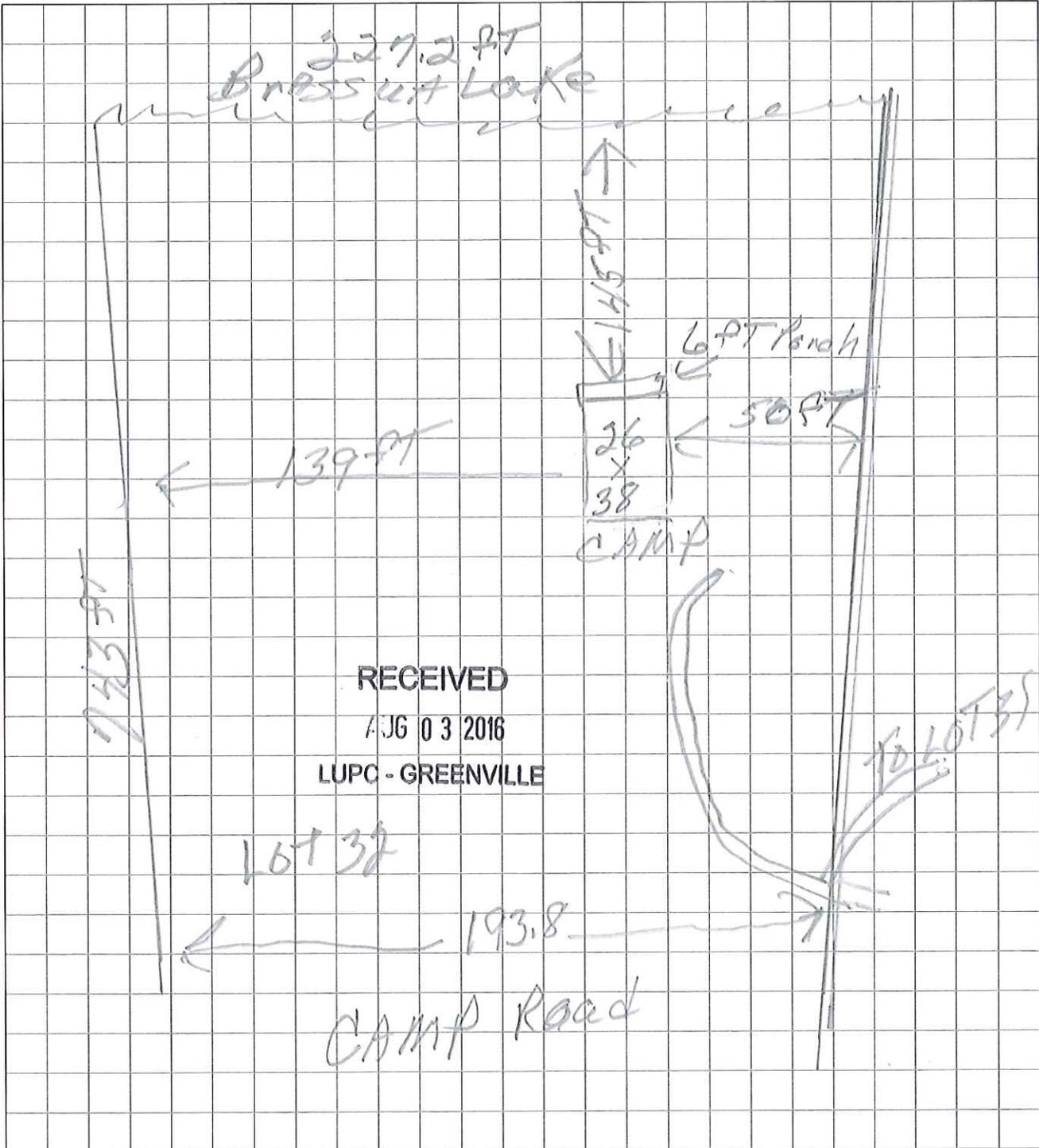
BP

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EXHIBIT C: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for Exhibit C in the instructions on page ii. Do not use colors. Refer to the instructions on page ii for a sample site plan.

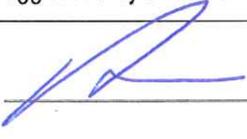


Notes/Legend:

Shared Driveway with Snowden (LOT 31)
 26 x 38 with 6 FT porch
 Modular 1 floor

BUILDING PERMIT BP-14843-A

Based on the information you have submitted in the attached application and supporting documents, the staff of the Land Use Planning Commission concludes that, if carried out in compliance with the conditions of approval below, your proposal will meet the criteria for approval, 12 M.R.S.A. §685-B(4) of the Commission's statutes and the provisions of the Commission's *Land Use Districts and Standards*. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.



LUPC Authorized Signature

8/3/16

Effective Date

CONDITIONS OF APPROVAL

General Conditions

1. **At least one week prior to commencing the permitted activities**, the permittee must contact the Commission staff and notify them of the date construction will start. **If these activities include a permanent foundation**, the permittee must notify staff of **the date the forms will be set**. This will allow staff time to arrange a pre-construction site visit to review the applicable standards and requirements of the permit with the permittee. (**If you leave a telephone message**, please include your full name, telephone number, permit number, and the date/s the work will start.)
2. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
3. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation is subject to prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
4. Structures authorized under this permit, as well as filling/grading/soil disturbance and cleared openings created as part of construction activities authorized under this permit, must be located to meet the road, property line, water and wetland setback distances, exterior dimensions and building heights listed in Sections 4 and 5 and approved by this permit.
5. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to catch sediment from runoff water before it leaves the construction site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands or adjacent properties. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning.
6. Effective, temporary stabilization of all disturbed and stockpiled soil must be completed at the end of each work day. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
7. Cleared openings created as part of construction activities authorized under this permit must be effectively stabilized and revegetated.
8. All imported fill material must be free of hazardous or toxic materials and must not contain debris, trash, or rubbish.
9. Soil disturbance must not occur when the ground is frozen or saturated.
10. Topsoil must not be removed from the site except for that necessary for construction activities authorized in this permit. Topsoil must be stockpiled at least 100 feet from any water body.
11. The permittee shall not advertise Land Use Planning Commission approval without first obtaining approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.

12. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and conditions of approval. The new owner or lessee should then contact the Land Use Planning Commission to have the permit transferred into his/her name. If there are no additional changes the transfer can be accomplished on a Minor Change Form.
13. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
14. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
15. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal, state, and local agencies including but not limited to: Air and Water Pollution Control Regulations; Subsurface Wastewater Disposal System approval from the Local Plumbing Inspector and/or Maine Department of Health and Human Services, Subsurface Wastewater Program; and the Maine Department of Transportation, Driveway Entrance Permit, a physical E-911 address from your County Commissioner's Office.
16. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
17. Upon completion of the authorized structures within the terms of this permit, any existing structures authorized to be removed from the lot and other construction debris must be disposed of in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
18. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
19. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit further division of the lot in the future. The permittee(s) is (are) hereby advised to consult applicable land use laws and rules and with the Commission prior to any future further division of the lot.
20. All conditions of previously issued Commission permits shall remain in effect, except as specifically modified by this permit. For parcels that are part of a Commission-approved subdivision, all conditions of the subdivision permit as they pertain to the permittee's parcel shall remain in effect.
21. The use of a temporary camper trailer is allowed during the construction of a single family dwelling unit.
22. Comply with the Development Restrictions of the [Brassua Lake Concept Plan](#) (ver. 10/2004), a copy of which is attached.
23. The development authorized by this permit must be located within the building envelope shown on the subdivision plat for this development as recorded with the Somerset County Registry of Deeds.
24. Structures authorized pursuant to the terms and conditions of this permit must be no taller than the screening vegetation or 25 feet, whichever is greater, except that structures located greater than 500 feet from the Brassua Lake shall be no taller than 40 feet.

DEVELOPMENT RESTRICTIONS FOR RESIDENTIAL AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN

ver. 10/2004

The following development restrictions are included as conditions of permit approval for any residential development authorized by LURC within the Brassua Lake Concept Plan. All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are included in the Brassua Lake Concept Plan as Appendices 2 - 15.

RESTRICTIONS FOR ALL DEVELOPMENT AREAS (AREAS A – G)

1. No building or other construction may be undertaken on any lot without first obtaining an approved permit from the Maine Land Use Regulation Commission.
2. All structures and uses must meet the land use standards outlined in Appendices 2-15 of the Brassua Lake Concept Plan, including the dimensional and setback requirements outlined in Appendix 9 and the clearing of vegetation requirements outlined in Appendix 3.
3. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 15) and Maine's Erosion and Sediment Control Handbook for Construction: Best Management Practices (Department of Environmental Protection, March 1991).
4. Building height within 500 feet of Brassua Lake or Baker Pond shall be no higher than the screening vegetation or 25 feet, whichever is greater. Notwithstanding the dimensional requirements of Appendix 9, building height greater than 500 feet from Brassua Lake or Baker Pond shall be no higher than 40 feet.
5. Exterior lighting on the lakeside of the structure shall be limited to 100 watts in aggregate, screened from lake view and directed towards the ground and/or the structure.
6. Buried utilities are allowed on the lot to provide service. Overhead utilities are allowed between structures on the lot.
7. Subsurface wastewater disposal systems are permitted, pursuant to approved septic design and soil suitability in accordance with the State of Maine Plumbing Code. If an outhouse (privy) is utilized, it must be located behind the camp, at least 100 feet away from the normal high water mark of the shoreline, and screened from view from the shoreline.
8. Wells are permitted, in accordance with the State of Maine Plumbing Code. However, Brassua Lake water shall only be procured by hand carry or by hand pump.
9. If generators are used, some form of noise protection must be employed, including but not limited, to enclosure of the generator in a shed. All generators must be equipped with spark arrestor units. The noise levels produced by generator use shall be no more than 60 dba (decibels) measured 50 feet away from the source.
10. The property lines shall be kept free and open. No fences, hedges, or walls shall be allowed thereon.

ADDITIONAL RESTRICTIONS FOR AREA A

1. Lots within Area A may only be used for single-family residential dwellings. Only one residential dwelling is allowed per lot. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lots cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Area A shall have 3000 feet of shorefront encompassing approximately 40 acres in "Common Open Green Space". The "Common Open Green Spaces" are to remain in a natural undeveloped state in perpetuity; docks (permanent or temporary), structures, and lighting are prohibited.
5. No trailered ramps are to be constructed on individual lots within Area A.

6. Each lot owner within Area A shall belong to the Poplar Hill Lot Owners Association. The purpose of the Poplar Hill Lot Owners Association is to govern the uses specified in the lot owners' association rules and bylaws that include the ability to enforce any and all covenants, to fix assessments or common charges for maintenance and normal repair of the loop, spur and access road, to maintain and pay taxes of the "common open green areas", and to pay for the removal of refuse from the transfer site at Area B.
7. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
8. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
9. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

ADDITIONAL RESTRICTIONS FOR AREA E

1. Area E may only be used for a single-family residential dwelling. Only one residential dwelling is allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for the principal structure on the lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed on the lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

ADDITIONAL RESTRICTIONS FOR AREA F

1. The lot may only be used for single-family residential dwellings. Two residential dwellings are allowed. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The lot cannot be further subdivided.
2. The total building footprint for each principal structure is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per dwelling. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate for each dwelling.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed for each dwelling. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.

ADDITIONAL RESTRICTIONS FOR AREA G

1. The lot can be subdivided into five parcels. Four parcels may only be used for single-family residential dwellings. The remaining lot is to be retained by the applicant. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed. The four parcels cannot be further subdivided.
2. The total building footprint for the principal structure on each lot is limited to no more than 2,000 square feet.
3. Two (2) accessory structures are allowed per lot. Accessory structures are limited to a maximum of 800 square feet of footprint in aggregate.
4. Permanent docks are prohibited. One temporary (seasonal) dock, limited to 16 feet in length, is allowed on each lot. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.
5. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
6. Signs permitted on the lot include one "for sale" sign and signs identifying residential dwellings. Notwithstanding the sign standards of Appendix 12, no sign shall exceed 12" x 24" (2 sq. ft.) in size.



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
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**VEGETATION CLEARING STANDARDS
FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN**

The following shall apply to vegetation clearing for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

- a. A vegetative buffer strip shall be retained within:
 - (1) 50 feet of the right-of-way or similar boundary of any public roadway,
 - (2) 75 feet of the normal high water mark of any standing body of water less than 10 acres in size, or any tidal water or flowing waters draining less than 50 square miles, and
 - (3) 100 feet of the normal high water mark of a standing body of water 10 acres or greater in size or flowing water draining 50 square miles or more.
- b. Within this buffer strip, vegetation shall be maintained as follows:
 - (1) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - (2) Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 12 or more in a 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees and other vegetation” shall be defined as maintaining a rating score of 8 or more per 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ Feet Above Ground Level (inches)	Points
2 - 4 in.	1
> 4 - 12 in.	2
> 12 in.	4

NOTE: As an example, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created and all other requirements of this rule and other laws are followed.

[over]

The following shall govern in applying this rating system:

- (a) The 25-foot x 25-foot plots shall be established where the landowner or lessee proposes clearing within the required buffer;
 - (b) Each successive plot shall be adjacent to but not overlap a previous plot;
 - (c) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
 - (d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules.
- (3) In addition to subsection (2) above, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.
 - (4) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
 - (5) Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - (6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 sq. ft., these openings shall be established with native tree species.
- c. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a standing body of water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all standing bodies of water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 - d. Cleared openings legally in existence as of June 7, 1990 may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts where natural vegetation is removed within the required vegetative buffer strip of a flowing or standing body of water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.



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**FILLING AND GRADING STANDARDS
FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN**

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein. The purpose of this section is to allow minor filling and/or grading of land without a permit, provided the performance standards set forth below are met. If the standards are not met, a permit is required.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

- a. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
- b. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN General Management Subdistricts which are greater than 250 feet from water bodies and wetlands. In such General Management Subdistrict areas, the provisions of subsections d and f of this section shall apply; and
- c. Clearing of areas to be filled or graded is subject to the Clearing Standards of Section 10.17, A, 2; and
- d. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and
- e. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of flowing, standing, tidal bodies of water, or upland edge of wetlands identified as P-WL1 Subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

- f. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.

Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.



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**GUIDELINES FOR VEGETATIVE STABILIZATION
FOR AREAS WITHIN THE BRASSUA LAKE CONCEPT PLAN**

Areas of disturbed soil, including but not limited to areas that are filled, graded or otherwise disturbed during construction projects, should be stabilized according to the following guidelines. These guidelines do not apply to forest management activities and are not strict regulations, and therefore alternative methods of stabilizing soil may be used. However, whenever soil stabilization or stabilization of disturbed areas is required by regulation or by the terms of individual permits, individuals must assure that either these guidelines, or measures equally effective in stabilizing disturbed areas of soil are employed.

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

In General:

1. Sterile soils such as sands and gravels should be covered with 2 to 4 inches of soil medium that will support vegetative growth.
2. Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
3. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
4. Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. For over-wintering, mulch must be tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.

It is not recommended that disturbed areas be seeded after September 15th ("dormant seeding") for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.

5. Seeding preparation, in addition to providing a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. Keep the site stable and moist, and allow the seed to germinate and grow.
6. For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.

Lime should be applied at a rate of approximately 140 pounds to 1000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1000 square feet of area. Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

7. In shoreland areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as 12-4-8 mixtures applied at a rate of 8 pounds per 1000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.

Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.

8. There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

- Creeping Red Fescue..... 35%
- Kentucky Bluegrass..... 25%
- Annual Rye Grass..... 15%
- Perennial Rye Grass..... 10%
- Red Top..... 10%
- White Dutch Clover..... 5%

* Oats - See Below

This seed would be applied at a rate of 1 pound per 1000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

(*) For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

Alternatives:

As indicated above, other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, as follows:

- Local Soil and Water Conservation Districts
- The USDA Natural Resource Conservation Service
- Maine Department of Environmental Protection, Lakes Program
- Landscaping Professionals
- Reputable Lawn and Garden Supply Dealers

The following documents may provide valuable assistance to those developing a soil stabilization plan:

Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (Cumberland County Soil & Water Conservation District and Maine Department of Environmental Protection, 1991)

Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management Guidelines (NPS Agricultural Task Force, 1991)

Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices (Maine Forest Service, 1991)